

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

FERNANDO GASTELUM,

Plaintiff,

v.

HIE RIVER PARK LLC dba HOLIDAY INN
EXPRESS FRESNO RIVERPARK,

Defendant.

Case No. 1:23-cv-00472-SKO

**ORDER GRANTING PLAINTIFF'S
APPLICATION TO PROCEED IN
FORMA PAUPERIS**

(Docs. 2 & 3)

/

Plaintiff Fernando Gastelum, proceeding pro se, filed a complaint on March 28, 2023, along with an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (Docs. 1, 2, 3.) The Court finds Plaintiff has made the showing required by § 1915, and the request to proceed *in forma pauperis* shall be granted.

As to the status of the complaint, Plaintiff is advised that pursuant to 28 U.S.C. § 1915(e)(2), the Court must conduct an initial review of every pro se complaint proceeding *in forma pauperis* to determine whether it is legally sufficient under the applicable pleading standards. The Court must dismiss a complaint, or portion thereof, if the Court determines that the complaint is legally frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). If the Court determines that the complaint fails to state a claim, leave to amend may be granted to the extent that the deficiencies in the complaint can be cured by amendment. Plaintiff's complaint will be screened in due course.

If appropriate after the case has been screened, the Clerk of Court will provide Plaintiff with the requisite forms and instructions to request the assistance of the United States Marshal in serving

1 the defendant pursuant to Federal Rule of Civil Procedure 4.

2 Based on the forgoing and good cause appearing,

3 IT IS HEREBY ORDERED that Plaintiff's application to proceed *in forma pauperis* (Docs.
4 2 & 3) is GRANTED.

5
6 IT IS SO ORDERED.

7 Dated: March 31, 2023

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE